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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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NATHALIE THUY VAN,

Plaintiff,

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v.

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LANGUAGE LINE SERVICES, INC., et al.,

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Defendants.

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Case No. 14-cv-03791-LHK   (HRL)

ORDER GRANTING MOTION FOR PROTECTIVE ORDER

Re: Dkt. No. 135

12   The parties have been unable to stipulate to a mutually agreeable protective order.

13   Defendants, with leave of court, move for a protective order; Defendants request that the court

14   issue its model protective order in this case. Plaintiff, in her opposition brief, expresses concern

15   that Defendants have mass-designated non-confidential documents as confidential documents.

16   Plaintiff therefore requests that the court amend the model protective order to explicitly declare

17   that certain documents are non-confidential. Plaintiff appeared at the hearing on this motion but

18   Defendants' counsel did not.

19   In general, the court frowns upon the wholesale designation of documents as confidential.

20   Protective orders may shield confidential information from public disclosure where good cause

21   exists, Fed. R. Civ. P. 26(c), but that good cause must exist as to each individual document. Broad

22   allegations of harm, absent specific examples, are insufficient. *Beckman Industries, Inc. v.*

23   *International Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992). Plaintiff claims that many discovery

24   materials have been indiscriminately marked as confidential by Defendants without good cause.

25   For example, Plaintiff argues that Defendants have marked twenty years' worth of her paystubs as

26   confidential without good cause. Defendants do not squarely dispute Plaintiff's claims about mass

27   designations. Rather, Defendants argue Judge Koh found, by granting a prior administrative

28   motion, "that [Plaintiff]'s time records and other documents contain Defendant's confidential,

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1   trade secret, and health care information, the disclosure of which is subject to patient

2   confidentiality rules under HIPAA and other regulatory laws." Dkt. No. 145 at 2 (discussing Dkt.

3   No. 131). The undersigned reads Judge Koh's prior order differently. Judge Koh stated the good-

4   cause standard and concluded that good cause existed to redact certain information within a few

5   specific documents she had reviewed, Dkt. No. 131 at 2-3, but Judge Koh did not additionally

6   grant Defendants a wholesale license to designate as confidential thousands of other documents

7   she had not reviewed. The undersigned is therefore concerned that Defendants may have

8   improperly engaged in wholesale confidentiality designations, including of Plaintiff's paystubs,

9   based on a misreading of Judge Koh's prior order.

10   In any event, the court shall not resolve disputes about confidentiality designations in this

11   order. As explained to Plaintiff during the hearing, the court shall grant Defendant's motion by

12   issuing a protective order, and that protective order shall set general procedures for how

13   confidentiality designations may be challenged in this case. Plaintiff may then, in accord with

14   those procedures and in accord with the undersigned's standing order regarding civil discovery

15   disputes, discuss her concerns about confidentiality designations with Defendants' counsel. If the

16   parties are unable to agree on which documents should be designated as confidential, then the

17   parties may submit a discovery dispute joint report that asks the court to resolve their outstanding

18   confidentiality disputes.

19   **IT IS SO ORDERED.**

20   Dated: 12/1/15

23   HOWARD R. LLOYD
     United States Magistrate Judge

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